

CITY OF DURHAM | DURHAM COUNTY NORTH CAROLINA



ZONING CHANGE REPORT

Meeting Date: January 6, 2014

Table A. Summary							
Application Summary							
Case Number		Z1300020		Jurisdiction		City	
Applicant		Meadows Land Investment, LL	.C	Submittal Date		July 8, 2013	
Reference Name	е	Meadows at Southpoint II		Site Acreage		46.90	
Location		Southeast quadrant of the Bar	bee	Road and NC 54 H	lighw	vay intersection.	
PIN(s)		0728-03-34-9090, -04-54-0087	7.SPI	(partial)			
Request							
Proposed Zoning	Planne (PDR 4	ed Development Residential 4.7 1.718)	18	Proposal		185 townhouses	
Site Characteris	tics						
Development Ti	er	Suburban Tier					
Land Use Design	Land Use Designation Office and Low Density Residential, 4 DU/Ac. or less						
Existing Zoning		Residential Rural (RR) – 36.41 acres and Office Institutional (OI) – 10.49 acres					
Existing Use		Single-family residential, vacant					
Overlay		F/J-B, MTC (partial)	Dra	ainage Basin	Jord	lan Lake	
River Basin		Cape Fear	Str	eam Basin	Nor	theast Creek	
Determination/	Recom	mendation/Comments					
Staff		Staff determines that, should the plan amendment be approved, this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.					
Planning Commission	Approval, 13-1 on November 12, 2013. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.						
DOST	No	No comments					
BPAC	No	No comments					

A. Summary

This is a request to change the zoning designation of a two-parcel, 46.90 acre site from RR and OI to PDR 4.718 for 185 residential units. The site is located at 6437 and 6525 Barbee

Road, at the southeast quadrant of the intersection of Barbee Road and NC 54 Highway (see Attachment 1, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Commercial and Office. A plan amendment, case A1300007, has been requested to change the future land use to Low-Medium Density Residential (4-8 DU/Ac.). Staff is supporting this request.

Appendix A provides supporting information.

B. Site History

This site plus an additional parcel (2.9 acres) were included in request Z1200001 to rezone the site to CG(D) (7.7 acres) for 150,000 square feet of nonresidential development and OI(D) (42.08 acres) for 365 apartments. Council denied this request on March 4, 2013.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D, and Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. These commitments (see Table D5, Summary of Development Plan) include: water aeration measures for stormwater facilities, 100-foot natural buffer to adjacent properties, dedication of right-of-way along NC 54 Highway and Barbee Road, additional asphalt along NC 54 Highway for a bicycle lane, bus pull-out and concrete pad/shelter, and roadway improvements at the site entrances along NC 54 Highway and Barbee Road.

Graphic Commitments. Graphic commitments have been proffered which identify the location of the tree preservation areas and location of site access points.

Design Commitments. Nonresidential and multifamily projects require design commitments when requesting a zoning map change with a development plan.

Through the design commitments of this project the applicant has committed to roofline details with gables and/or dormers, and building materials. A more detailed summary is provided in Table D5, Summary of Development Plan.

Determination. The requested PDR zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning districts and associated development is not consistent with the Future Land Use Map. However, should the plan amendment be approved the request would be consistent with the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6. A proposed bicycle lane along NC 54 Highway and Barbee Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.6. The applicant has proffered right-of-way dedication and an additional four feet of asphalt widening to accommodate a bicycle lane on the south side of NC Highway 54 and for the frontage of the site along Barbee Road.

F. Site Conditions and Context

Site Conditions. The 46.90-acre site is located at 6525 and 6437 Barbee Road, at the southeast quadrant of the intersection of NC 54 Highway and Barbee Road. This site is comprised of two parcels. The smaller parcel at 6525 Barbee Road is developed as a single-family house. The larger parcel is a portion (44.85 acres) of a larger tract of land (67.99 acres) at 6437 Barbee Road which straddles NC 54 Highway. The portion on the south side of NC 54 Highway (subject property of this request) was recently timbered (2008) and appears to be covered with naturally occurring young vegetation. An intermittent stream impacts the southern portion of this site.

Area Characteristics. The site is in the Suburban Tier with close proximity to Interstate 40 along a major thoroughfare experiencing traffic capacity issues. Over the last several decades the area has experienced a transition from larger-lot rural uses to larger suburban style housing developments taking advantage of the prime location with easy access to the greater Triangle area. The surrounding zoning districts include RR, RS-20, Residential Suburban – 10 (RS-10), OI, and Commercial Neighborhood (CN).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed PDR district meets the ordinance and policy requirements in relation to development on the subject site. Approval of a maximum of 185 units for the site would provide additional residential choices in an area that includes a range of apartments and single-family housing.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to decrease the traffic generation of the subject site by 2,676 daily trips, increase the students generated from the proposed use by one student, and increase the estimated water demand of the site by 2,115 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan*, should the plan amendment be approved, and applicable policies and ordinances. If the requested PDR zoning designation were approved, the development plan would further establish the development potential of the proposed development.

Residential Infill. The development of additional housing units along a major thoroughfare, with ready access to the roadway network and transit is a supportable. The site has a protected stream across the rear which buffers the existing single-family development to the south. Additionally, the development plan commits to submitting a street closing application to close the undeveloped right-of-way stub that would otherwise require a stream crossing.

I. Contacts

Table I. Contacts					
Staff Contact					
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov			
Applicant Contact	Applicant Contact				
Agent: Robert Shunk, HadenStanziale	Ph: 919-286-7440	rshunk@hadenstanziale.com			

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Fairfield Community Awareness Committee
- Inter-Neighborhood Council
- Northeast Creek Streamwatch
- Partners Against Crime District 4
- Parkwood Association
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting November 12, 2013 (Case Z1300020)

Zoning Map Request: Request RR and (OI) to (PDR 4.718), 185 townhouses.

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Jones opened the public hearing. Four people signed up to speak, three people spoke in support and no one spoke in opposition. Chair Jones closed the public hearing.

Commission Discussion: Much discussion was based upon affordable housing since it's on the transit/bus route and has the amount of land to build. It was stated you have to look at the price of land to determine if you can build affordable housing. Commissioner Winders would love for the planning staff to put some numbers together to help determine what would be affordable housing. It was stated it's easier to get affordable in rentals vs. purchasing. There is a difference between affordable housing vs. market rate houses. Commissioner Padgett stated we need to remove the burden from the developers and put it on the City Council and get a better understanding as what is "affordable housing". The bus stops and transit will be handicap accessible. It was also stated that CC is aware of the problem. The transit and bus stop will be handicap accessible.

Motion: Approval of the Zoning Case Z1300020. (Mr. Davis, Mr. Whitley 2nd).

Action: Motion carried, 13-1. (Winders voting No)

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report

L. Supporting Information

	Table K. Supporting Information			
Applicability of	Applicability of Supporting Information			
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Submittal and Review History		
Appendix B	Site History	N/A		
Appendix C	Review Requirements	N/A		
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan		
Appendix E	Adopted Plans	Table E: Adopted Plans		
Appendix F	Site Conditions and Context	Table F: Site Context		
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts		
Appendix H	Staff Analysis	N/A		
Appendix I	Contacts	N/A		
Appendix J	Notification	N/A		
Appendix K	Summary of Planning Commission Meeting	Attachments: 6. Planning Commissioner's Written Comments 7. Ordinance Form		

Appendix A: Application Supporting Information

Attachments:

- 1. Context Map
- 2. Future Land Use Map
- 3. Aerial Photography
- 4. Development Plan Reduction
- 5. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent			
PDR	Planned Development Residential - the PDR district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.		
D	Development Plan — the letter "D" following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.		
F/J-B	Falls/Jordan District B — the purpose of the F/J-B Watershed Protection Overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:		
	 Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and 		
	 Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies. 		
МТС	Major Transportation Corridor Overlay – the –MTC Overlay is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. Certain arterial streets, parkways and expressways are of critical importance to Durham City and County. Rights-of-way carrying high volumes of traffic are image makers for Durham City and County. They act as entryways for visitors and residents and also serve as an indicator of the quality of life found in the area. Standards are provided to ensure that thoroughfares in this overlay develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design.		

Table D2. District Requirements – PDR				
Code Provision Required Committed				
Minimum Site Area (acres)	6.11.3.B.1	4	46.90	
Residential Density (maximum)	6.11.3.C	Specified on plan	4.718 (DU/Ac.)	
Maximum Height (feet)	6.11.3.C.3	35	35	
Minimum Street Yard (feet)	6.11.3.E.1	8	8	

Table D3. Environmental Protection				
Resource Feature	UDO Provision	Required	Committed	
Tree Coverage	8.3.1C	20% (9.14 acres)	20.1% (9.20 acres)	
Stream Protection (buffer in feet)	8.5.4.B	100	100	

Table D4. Project Boundary Buffers				
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity	
	OI	N/A (right-of-way greater	0/0	
North	CN	than 60 feet)	0/0	
	OI	0.2/0.6	0.6 (25 feet*)	
East	OI	0.2/0.6	natural (100 feet)	
	RS-10	0.2/0.6	natural (100 feet)	
South	RS-10	0/0	natural (100 feet)	
	RR	0.2/0.2	natural (100 feet)	
West	RR	0.2/0.2	natural (100 feet)	

^{*}Width if reduced and located offsite subject to lease agreement

Table D5. Summary of Development Plan			
Components	Description	Development Plan Sheet	
	Intensity/Density. 185 units	DP-2.0	
	Building/Parking Envelope is appropriately identified	DP-2.0	
	Project Boundary Buffers are appropriately shown	DP-2.0	
	Stream Crossing. None shown.	N/A	
Demiliand	Access Points. Two (2) access points has been identified.	DP-2.0	
Required Information	Dedications and Reservations. See Text Commitments below.	Cover, DP-2.0	
	Impervious Area. 70% = 32.14 acres	DP-2.0	
	Environmental Features. Stream.	DP-2.0	
	Areas for Preservation. Stream buffer and tree preservation as shown.	DP-2.0	
	Tree Coverage. 20.1% (9.20 acres) as shown.	DP-2.0	
Graphic Commitments	Location of tree preservation area. Location of access points.	DP-2.0	
Text Commitments	 Water aeration measures will be provided in all stormwater control measures (SCM) that are designed with a permanent pool. A natural 100 foot project boundary buffer will be provided along the western, southern and eastern property lines as illustrated on sheet DP-2.0. Prior to the issuance of any building permit: Dedicate right-of-way for the NC 54 site frontage as illustrated on sheet DP-2.0. Dedicate additional right-of-way for the frontage of the site along Barbee Road to provide a minimum of 10 feet of right-of-way as measured from the edge of pavement/back-of-curb. Prior to the issuance of a Certificate of Occupancy: Subject to a determination by DATA and TTA on the need for transit related improvements at the time of site plan submittal, construct a bus pull-out and a concrete pad/bus shelter to DATA/TTA specifications along the south side of NC 54 adjacent to the site. The final location of the pull-out and pad/shelter will be determined by DATA/TTA during the construction drawing review process. A minimum of four feet of additional asphalt (in addition to the proposed turn-lane improvements) will be provided for the full frontage of the site along the south side of NC 54 and the east side of Barbee Road. The additional asphalt widening will be provided to allow for a bicycle lane. 	Cover	

Table D5. Summary of Development Plan			
	Barbee Road and Site Entrance #1 (full access)		
	7. Construct a southbound left-turn lane with adequate storage and appropriate tapers on Barbee Road at Site Entrance #1.		
	8. Construct site entrance #1 with one ingress lane and two egress lanes with an appropriate internal tangent throat distance.		
	NC 54 and Site Entrance #2 (Full Access)		
	9. Construct a westbound left-turn lane on NC 54 to provide adequate storage with a two-way left-turn lane.		
	10. Construct an eastbound right-turn lane with adequate storage and appropriate tapers on NC 54 at site entrance #2.		
	11. Construct site entrance #2 with one ingress lane and two egress lanes with an appropriate internal tangent throat distance.		
	Prior to Site Plan Approval		
	12. A right-of-way closure or abandonment request will be submitted for the closure of the Huntsman Drive right-ofway, north of Auburndale Drive.		
SIA Commitments	None provided	N/A	
Design Commitments (summary)	Architectural Style No style has been chosen. Roofline Pitched with asphalt shingles with metal roof accents. Building Materials Exterior siding materials of masonry (brick and/or cultured stone or real stone) or vinyl or cement-fiber plank siding. Distinctive Features Gables and/or dormers will be incorporated on the roofs. Design Transition to Context Area None.	Cover	

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans			
Comprehensive Plan			
Policy	Requirement		
Future Land Use Map	Office: Land used primarily for office uses. Low Density Residential (4 DU/Ac. or less): Land primarily used for a range of residential uses at four dwelling units an acre or less. Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.		
2.2.2a	Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.		
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.		
2.3.1 a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.		
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.		
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.		
8.1.4d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.		
8.1.4p	New Bicycle Routes: Wherever possible, incorporate recommended bike lanes or wide shoulders during street resurfacing or reconstruction and convert railroad corridors to bikeways.		
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.		
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.		

Long Range Bicycle Plan

Map 4-6 shows a proposed bicycle lane along Barbee Road and NC 54 Highway.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context				
Existing Uses Zoning Districts Overlays				
North	Vacant, nursery, commercial	CN, OI, RS-20	F/J-B, MTC	
East	Vacant, Single-family residential	OI, RS-10	F/J-B	
South	Single-family residential	RS-10, RS-20, RR	F/J-B	
West	Single-family residential	RR, RS-20	F/J-B, MTC	

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts

NC 54 and Barbee Roads are the major roads impacted by the proposed zoning change. NCDOT TIP Project U-5324 will improve NC 54 from I-40 to NC 55 to a multi-lane divided facility with bicycle, pedestrian and transit amenities. This project is currently unfunded through 2018.

Affected Segments	Barbee Road	NC 54 Highway
Current Roadway Capacity (LOS D) (AADT)	10,700	17,700
Latest Traffic Volume (AADT)	6,200	17,000
Traffic Generated by Present Designation (average 24 hour)*		3,775
Traffic Generated by Proposed Designation (average 24 hour)**		1,099
Impact of Proposed Designation		-2,676

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2011)

NC 54: 2-lane undivided Class I arterial with left-turn lanes

Barbee Road: 2-lane City/County Class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

Table G2. Transit Impacts

Transit service is provided adjacent to the site along NC 54 via DATA Route 14, Triangle Transit Route 800, and Triangle Transit Route 805.

Table G3. Utility Impacts

This site will be served by City water and sewer.

^{*}Assumption- (Max Use of Existing Zoning) – 86,000 sf medical-dental office (0.19 FAR), and 42 single-family residential units.

^{**}Assumption- (Max Use of Existing Zoning) – 185 townhome units.

Table G4. Drainage/Stormwater Impacts

The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts

The proposed zoning is estimated to generate 39 students. This represents an increase of one student over the existing zoning. Durham Public Schools serving the site are Parkwood Elementary School, Lowes Grove Middle School, and Hillside High School.

Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20 th Day Attendance (2012-13 School Year)	16,150	7,212	9,476
Committed to Date (April 2010 – March 2013)	432	151	88
Available Capacity	1,933	1,126	1,414
Potential Students Generated – Current Zoning*	20	8	10
Potential Students Generated – Proposed Zoning**	23	8	8
Impact of Proposed Zoning	+3	0	-2

^{*}Assumption- (Max Use of Existing Zoning) – OI: 110 apartments; RR: 42 single-family residential units.

This site is estimated to generate a total of 21,275 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 2,115 GPD over the existing zoning district. Current Water Supply Capacity 37.00 MGD

Table G6. Water Supply Impacts

Current Water Supply Capacity	37.00 MGD
Present Usage	23.33 MGD
Approved Zoning Map Changes (April 2010 – March 2013)	0.70 MGD
Available Capacity	12.97 MGD
Estimated Water Demand Under Present Zoning*	19,160 GPD
Potential Water Demand Under Proposed Zoning**	21,275 GPD
Potential Impact of Zoning Map Change	+2,115

Notes: MGD = Million gallons per day

^{**}Assumption- (Max Use of Existing Zoning) – 185 apartments.

^{*}Assumption- (Max Use of Existing Zoning) - OI: 110 apartments; RR: 42 single-family residential units.

^{**}Assumption- (Max Use of Existing Zoning) – 185 apartments.

Appendix K: Summary of Planning Commission Meeting

Attachments:

- 6. Planning Commissioner's Written Comments
- 7. Ordinance Form